

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

JEFFRY A. HILSENDAGER,

Plaintiff,

v.

Case No. 6:14-cv-01955-YY

ORDER

**COMMISSIONER OF SOCIAL SECURITY
ADMINISTRATION**

Defendant.

YOU, Magistrate Judge:

Based on a review of the record and an analysis of the factors in *Gisbrecht v. Barnhart*, 535 US 789 (2002), Plaintiff's Unopposed Motion for Attorney Fees Under 42 USC § 406(b) [#30] is GRANTED in the amount of \$17,473.39, which is 25% of the retroactive benefits awarded minus the Equal Access to Justice Act (EAJA) fees already awarded to plaintiff's attorney (\$4,319.01). Therefore, when issuing payment of the § 406(b) fees, defendant is directed to subtract the amount previously paid to plaintiff's attorney pursuant to the EAJA and pay only the net balance, minus any user fee. Any amount withheld (including the EAJA fee offset) after all administrative and attorney fees are paid should be released to plaintiff.

DATED July 25, 2016.



Youlee Yim You
United States Magistrate Judge